



COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
100 Civic Center Drive, P.O. Box 1768, Newport Beach, CA 92658-8915
(949) 644-3200 Fax: (949) 644-3229
www.newportbeachca.gov

**CITY OF NEWPORT BEACH
ZONING ADMINISTRATOR STAFF REPORT**

October 24, 2013
Agenda Item No. 5

SUBJECT: AERIE Lot Line Adjustment - (PA2013-199)
201-205 Carnation Avenue and 101 Bayside Place
▪ Lot Line Adjustment No. LA2013-011

APPLICANT: Robert Wheeler, Hunsaker & Associates

PLANNER: James Campbell, Principal Planner
(949) 644-3210, jcampbell@newportbeachca.gov

ZONING DISTRICT/GENERAL PLAN

- **Zone:** RM (Multiple-Unit Residential)
- **General Plan:** RM (Multiple-Unit Residential)

PROJECT SUMMARY

A lot line adjustment application to adjust the interior boundary between 201-205 Carnation Avenue and 101 Bayside Place where a triangular portion of 101 Bayside Place that is approximately 584 square feet in area will be combined with 201-205 Carnation Avenue. The proposed lot line adjustment is consistent with the AERIE Tentative Tract Map approved by the City Council on July 14, 2009. There will be no change in the number of parcels.

RECOMMENDATION

- 1) Conduct a public hearing; and
- 2) Adopt Draft Zoning Administrator Resolution No. _ approving Lot Line Adjustment No. LA2013-011 (Attachment No. ZA 1).

DISCUSSION

- The applicant requests to adjust the interior lot line between contiguous parcels in advance of recording Tentative Tract Map No. 16882 for the purpose of securing a construction loan.

- The General Plan and Zoning Ordinance designates the subject properties as RM 20 DU/AC (Multiple-Unit Residential, 20 dwelling units per acre) which is intended to provide for areas appropriate for multi-unit residential developments containing attached or detached dwelling units.
- The proposed lot line adjustment is consistent with Tentative Tract Map No. 16882 that was previously approved by the City Council in 2009, by Resolution No. 2009-52 and California Coastal Commission (CDP 5-10-298).
- This minor boundary adjustment will have no impact on access to or use of the affected properties.
- The proposed parcels are not more nonconforming as to lot width, depth and area than the parcels that existed prior to the lot line adjustment, and there will be no change in allowed land uses, density, or intensity on the properties.

ENVIRONMENTAL REVIEW

Staff recommends the Zoning Administrator find the requirement for environmental review pursuant to CEQA satisfied by the AERIE Project EIR (SCH # 2007021054) that was certified by the City Council in compliance with CEQA, the State CEQA Guidelines, and City Council Policy K-3 on July 7, 2009. The lot configuration resulting from the proposed Lot Line Adjustment is identical to Tentative Tract Map No. 16882. Copies of the AERIE Project EIR are available for public review and inspection at the Planning Division or at the City of Newport Beach website at www.newportbeachca.gov.

PUBLIC NOTICE

Notice of this application was published in the Daily Pilot, mailed to all owners of property within 300 feet of the boundaries of the site (excluding intervening rights-of-way and waterways) including the applicant and posted on the subject property at least 10 days before the scheduled hearing, consistent with the provisions of the Municipal Code. Additionally, the item appeared on the agenda for this meeting, which was posted at City Hall and on the City website.

APPEAL PERIOD:

An appeal may be filed with the Director of Community Development within 10 days following the date of action. For additional information on filing an appeal, contact the Planning Division at (949) 644-3200.

Prepared by:


James Campbell, Principal Planner

Attachments: ZA 1 Draft Resolution
 ZA 2 Vicinity Map
 ZA 4 Lot Line Adjustment Exhibits

Attachment No. ZA 1

Draft Resolution

RESOLUTION NO. ZA2013-###

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING LOT LINE ADJUSTMENT APPLICATION NO. LA2013-011 TO ADJUST THE BOUNDARY BETWEEN TWO CONTIGUOUS PARCELS LOCATED AT 201-205 CARNATION AVENUE AND 101 BAYSIDE PLACE (PA2013-199)

THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Hunsaker & Associates with respect to property located at 201-205 Carnation Avenue and 101 Bayside Place, and legally described, in Exhibit A, requesting approval of a lot line adjustment to adjust a 584-square-foot portion of 101 Bayside Place to 201-205 Carnation Avenue.
2. The proposed lot line adjustment will adjust the interior boundary between two contiguous legal parcels where there will be no change in the number of parcels and the adjustment will not deprive either parcel of access to streets or utilities.
3. The General Plan and Zoning Ordinance designates the subject properties as RM 20 DU/AC (Multiple-Unit Residential, 20 dwelling units per acre) which is intended to provide for areas appropriate for multi-unit residential developments containing attached or detached dwelling units.
4. The subject properties are located within the coastal zone. The proposed lot line adjustment is consistent with Tentative Tract Map No. 16882 creating a 7-unit condominium development that was previously approved by the City Council in 2009, by Resolution No. 2009-52 and California Coastal Commission by CDP 5-10-298.
5. A public hearing was held on September 26, 2013, in the Corona del Mar Conference Room (Bay E-1st Floor) at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

The requirement for environmental review pursuant to CEQA has been satisfied by the AERIE Project EIR (SCH # 2007021054) that was certified by the City Council in compliance with CEQA, the State CEQA Guidelines, and City Council Policy K-3 on July 7, 2009. The lot configuration resulting from the proposed lot line adjustment is identical to Tentative Tract Map No. 16882. Copies of the AERIE Project EIR are available for public review and inspection at the Planning Division or at the City of Newport Beach website at www.newportbeachca.gov.

SECTION 3. REQUIRED FINDINGS.

Finding:

- A. *Approval of the lot line adjustment will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City, and further that the proposed lot line adjustment is consistent with the legislative intent of this title.*

Facts in Support of Finding:

- A-1. The lot line adjustment is consistent with the purpose and intent of Title 19 (Subdivisions). The proposed lot line adjustment will protect land owners and surrounding residents, and will preserve the public health, safety, and general welfare of the City.
- A-2. The lot line adjustment to combine a 584-square-foot. portion of an existing legal lot (101 Bayside Place – Parcel 2) with an adjacent existing legal lot (201-205 Carnation Avenue – Parcel 1) will not result in a development pattern that is inconsistent with the surrounding neighborhood. The resulting adjusted lots are consistent with Tentative Tract Map No. 16882 creating a 7-unit condominium development that was previously found not to be detrimental to the community when approved by the City Council in 2009, by Resolution No. 2009-52 and California Coastal Commission by CDP 5-10-298.
- A-3. The adjusted lot will not restrict light and air from Carnation Avenue, Bayside Place or the surrounding residential properties.

Finding:

- B. *The number of parcels resulting from the lot line adjustment remains the same as before the lot line adjustment.*

Facts in Support of Finding:

- B-1. The lot line adjustment to combine a 584-square-foot portion of one parcel (101 Bayside Place – Parcel 2) with an adjacent existing legal lot (201-205 Carnation Avenue – Parcel 1) will not result in the creation of additional parcels. There were two legal parcels prior to the lot line adjustment and there will be two legal parcels after the lot line adjustment.

Finding:

- C. *The lot line adjustment is consistent with applicable zoning regulations except that nothing herein shall prohibit the approval of a lot line adjustment as long as none of the resultant parcels is more nonconforming as to lot width, depth and area than the parcels that existed prior to the lot line adjustment.*

Facts in Support of Finding:

- C-1. The adjusted lot line will not render either of the resulting parcels nonconforming as to lot width, depth and area.
- C-2. The adjusted lot line will not render any of the existing structures located at the donor parcel (101 Bayside Place – Parcel 2) nonconforming as to setbacks.
- C-3. The donor parcel (101 Bayside Place – Parcel 2) will be reduced from 15,335.1 square feet to 14,751.1 square feet, which well exceeds the 5,000-square-foot minimum parcel size of Section 20.10.030 of the Municipal Code.
- C-4. The area being added to the adjusted lot (201-205 Carnation – Parcel 1) will not increase the maximum density of the resulting parcel as the area is mostly excluded from the calculation as the slope of the area exceeds 50 percent. The maximum density calculation permitted before and after the adjustment is 9 units.

Finding:

- D. *Neither the lots as adjusted nor adjoining parcels will be deprived of legal access as a result of the lot line adjustment.*

Facts in Support of Finding:

- D-1. The lot as adjusted will not be deprived of legal access as the adjusted lot abuts a public street and vehicular access to and from Carnation Avenue will remain unchanged.
- D-2. No adjoining parcels will be deprived of legal access as a result of the lot line adjustment. The donor parcel (101 Bayside Place – Parcel 2) as adjusted will maintain vehicular access from Bayside Place, a private roadway that provides access to Bayside Drive a public street.

Finding:

- E. *That the final configuration of the parcels involved will not result in the loss of direct vehicular access from an adjacent alley for any of the parcels that are included in the lot line adjustment.*

Facts in Support of Finding:

- E-1. The final configuration of the parcels involved will not result in the loss of direct vehicular access from an adjacent alley as there is currently no direct vehicular access from an alley for any of the parcels involved in the lot line adjustment and that will remain unchanged.

Finding:

- F. That the final configuration of a reoriented lot does not result in any reduction of the street side setbacks as currently exist adjacent to a front yard of any adjacent key, unless such reduction is accomplished through a zone change to establish appropriate street side setbacks for the reoriented lot. The Planning Commission and City Council in approving the zone change application shall determine that the street side setbacks are appropriate, and are consistent and compatible with the surrounding pattern of development and existing adjacent setbacks.*

Facts in Support of Finding:

- F-1. The adjusted area is at the rear of 201-205 Carnation (Parcel 1) and due to its location, it will have no impact to setbacks that were established with the approval of Tentative Tract Map No. 16882. The adjusted area of (101 Bayside Place – Parcel 2) is located south and upslope of Bayside Place and the residence on the lot is located on the north side of Bayside Place (between Bayside Place and Newport Bay) and due to the location of the adjusted area, it will not have any impact on the front setback for 101 Bayside Place.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Lot Line Adjustment No. LA2013-011 (PA2013-199), subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
2. This action shall become final and effective 10 days after the adoption of this Resolution unless within such time an appeal is filed with the Director of Community Development in accordance with the provisions of Title 19 Subdivisions, of the Newport Beach Municipal Code.

PASSED, APPROVED AND ADOPTED THIS 24TH DAY OF OCTOBER, 2013.

By:

Brenda Wisneski, AICP, Zoning Administrator

EXHIBIT “A”

CONDITIONS OF APPROVAL

1. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
2. This approval shall expire and become void unless exercised within 24 months from the actual date of review authority approval, except where an extension of time is approved in compliance with the provisions of Title 20 Planning and Zoning of the Newport Beach Municipal Code.
3. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the AERIE Lot Line Adjustment including, but not limited to LA2013-011 (PA2013-199). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

Attachment No. ZA 2

Vicinity Map

Vicinity Map



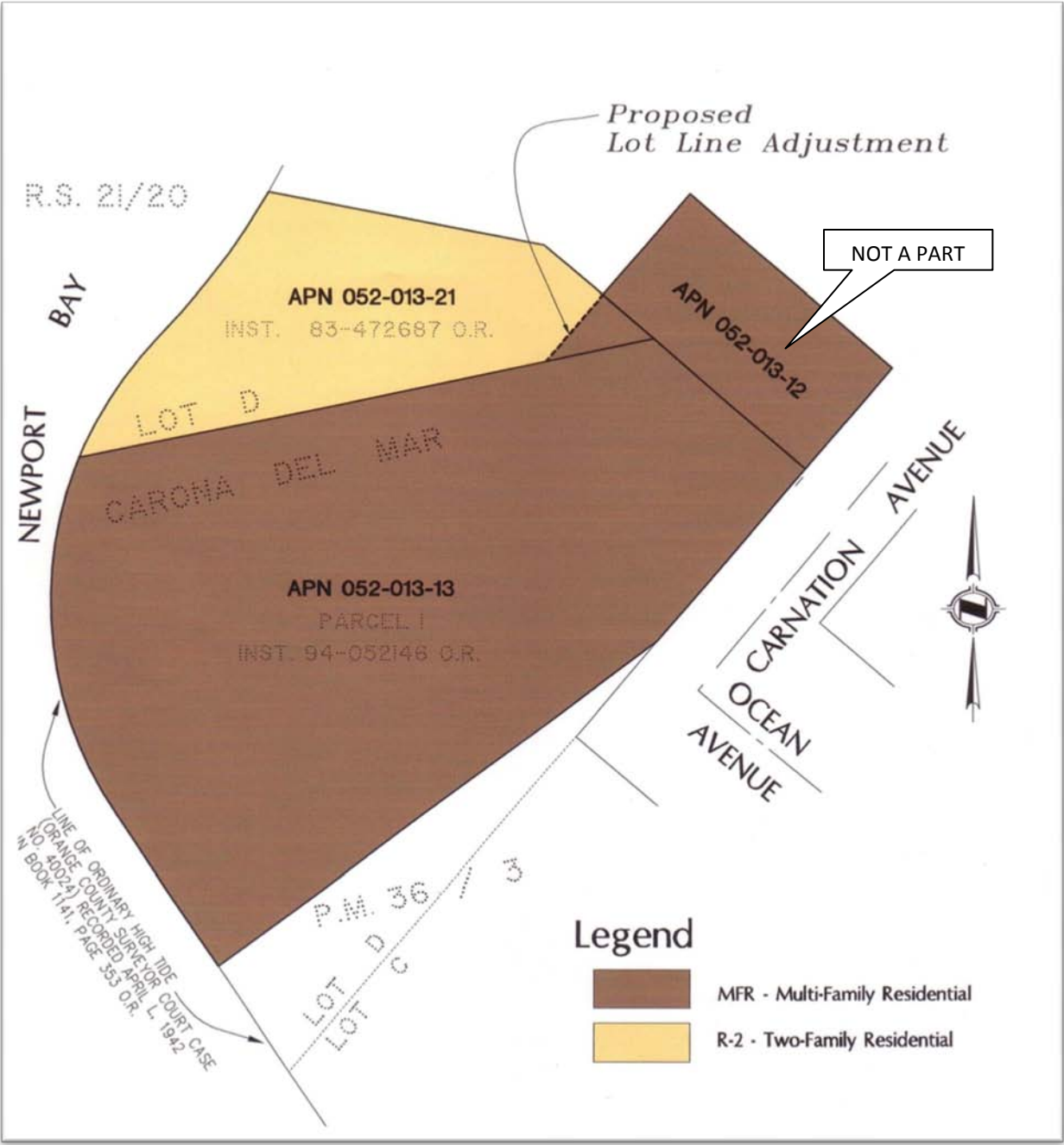
201-205 Carnation Avenue & 101 Bayside Place

AERIE Lot Line Adjustment No. LA2013-11 (PA2013-199)

Attachment No. ZA 3

Lot Line Adjustment Exhibits

AERIE Lot Line Adjustment No. LA2013-11 (PA2013-199)



201-205 Carnation Avenue & 101 Bayside Place

Recording

Requested by and Mail to:
City of Newport Beach
Public Works Dept
Attn: Subdivision
100 Civic Center Drive
P.O. Box 1768
Newport Beach, CA 92658

This Space for Recorder's Use Only

Lot Line Adjustment/Lot Merger

Address(es) or Property Involved: 205 Carnation Avenue and 101 Bayside Place

Owner(s) Affidavit

I (We) hereby certify under penalty of perjury that 1) I am (we are) the record owner(s) of all parcels proposed for adjustment by this application, 2) I (We) have knowledge of and consent to the filing of this application, 3) the information submitted in connection with this application is true and correct; and 4) I (We) consent to the recordation of these documents.

RECORD OWNERS:

Parcel 1

NAME: Advanced Group 99-D, a California Limited Partnership

Signature of parcel owner

Signature of parcel owner

Parcel 2

NAME: Margaret L. Sprague, Trustee of the Margaret L. Sprague Living Trust
v/a/d May 13, 1994

Signature of parcel owner

Signature of parcel owner

Parcel _____

NAME: _____

Signature of parcel owner

Signature of parcel owner

Parcel _____

NAME: _____

Signature of parcel owner

Signature of parcel owner

NOTE: Each of these signatures must be notarized, using the appropriate Jurat attached and completed by a Notary Public.

Approved for Recording CITY OF NEWPORT BEACH

City Engineer: _____

Date: _____

CALIFORNIA JURAT WITH AFFIANT STATEMENT

- ☒ See Attached Document (Notary to cross out lines 1–6 below)
☐ See Statement Below (Lines 1–5 to be completed only by document signer[s], *not* Notary)

1
2
3
4
5
6

Signature of Document Signer No. 1

Signature of Document Signer No. 2 (if any)

State of California

County of Orange

Subscribed and sworn to (or affirmed) before me on this

27th day of September, 2013, by
Date Month Year

(1) Richard J. Julian,
Name of Signer

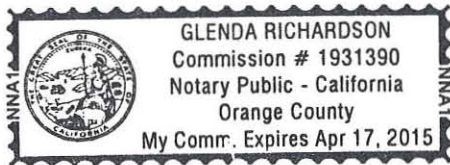
proved to me on the basis of satisfactory evidence
to be the person who appeared before me (.) (.)

(and

(2) _____,
Name of Signer

proved to me on the basis of satisfactory evidence
to be the person who appeared before me.)

Signature Glenda Richardson
Signature of Notary Public



Place Notary Seal Above

OPTIONAL

*Though the information below is not required by law, it may prove
valuable to persons relying on the document and could prevent
fraudulent removal and reattachment of this form to another document.*

Further Description of Any Attached Document

Title or Type of Document: Lot Line Adjustment Lot Mergen

Document Date: 9/27/13 Number of Pages: 1

Signer(s) Other Than Named Above: _____

RIGHT THUMBPRINT
OF SIGNER #1
Top of thumb here

RIGHT THUMBPRINT
OF SIGNER #2
Top of thumb here

Recording

Requested by and Mail to:
City of Newport Beach
Public Works Dept
Attn: Subdivision
100 Civic Center Drive
P.O. Box 1768
Newport Beach, CA 92658

This Space for Recorder's Use Only

Lot Line Adjustment/Lot Merger

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RECORD OWNERS:

Parcel 1

NAME: Advanced Group 99-D, a California Limited Partnership

Signature of parcel owner

Signature of parcel owner

Parcel 2

NAME: Margaret L. Sprague, Trustee of the Margaret L. Sprague Living Trust
v/a/d May 13, 1994

Margaret L. Sprague

Signature of parcel owner

Signature of parcel owner

Parcel _____

NAME: _____

Signature of parcel owner

Signature of parcel owner

Parcel _____

NAME: _____

Signature of parcel owner

Signature of parcel owner

NOTE: Each of these signatures must be notarized, using the appropriate Jurat attached and completed by a Notary Public.

Approved for Recording CITY OF NEWPORT BEACH

City Engineer: _____

Date: _____

STATE OF CALIFORNIA }
COUNTY OF ORANGE } S.S.

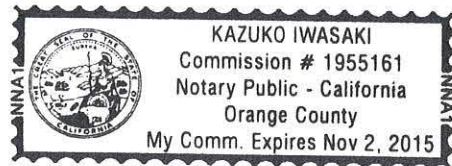
On **September 30, 2013**, before me, **Kazuko Iwasaki**, a Notary Public in and for said County and State, personally appeared, **Margaret L. Sprague** who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature:

Kyoko Lusk



(Notary Seal)

EXHIBIT "A"
CITY OF NEWPORT BEACH
LOT LINE ADJUSTMENT No. LLA _____
(LEGAL DESCRIPTION)

OWNER	EXISTING PARCEL AP NUMBER	PROPOSED PARCELS REFERENCE NUMBERS
ADVANCED GROUP 99-D	PARCEL 1 - 052-013-13	PARCEL 1
MARGARET L. SPRAGUE LIVING TRUST	052-013-21	PARCEL 2

SHEET 1 OF 2

PARCEL 1

THAT PORTION OF LAND DESCRIBED IN A DEED RECORDED AUGUST 15, 1994 AS INSTRUMENT NO. 94-0502146, TOGETHER WITH THAT PORTION OF THE LAND DESCRIBED IN A DEED RECORDED DECEMBER 9, 2009 AS INSTRUMENT NO. 2009000661003, BOTH OF OFFICIAL RECORDS OF ORANGE COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST WESTERLY CORNER OF THE LAND DESCRIBED IN A DEED RECORDED OCTOBER 06, 1941 IN BOOK 1109, PAGE 552 OF SAID OFFICIAL RECORDS; THENCE SOUTH 40°32'34" WEST 38.90 FEET ALONG A LINE PARALLEL WITH AND 120.00 FEET NORTHWESTERLY, MEASURED AT RIGHT ANGLES, FROM THE NORTHWESTERLY LINE OF CARNATION AVENUE (FORMERLY 30TH AVENUE) AS SHOWN ON A MAP RECORDED IN BOOK 3, PAGES 41 AND 42 OF MISCELLANEOUS MAPS, IN OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, TO THE NORTHERLY LINE OF THE LAND DESCRIBED IN SAID INSTRUMENT NO. 94-0502146; THENCE ALONG THE BOUNDARY OF SAID LAND THE FOLLOWING SIX COURSES: SOUTH 78°11'52" WEST 214.39 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 170.00 FEET, A RADIAL LINE TO SAID POINT BEARS NORTH 67°49'15" WEST, SOUTHERLY 166.96 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 56°16'16", NON-TANGENT FROM SAID CURVE SOUTH 34°06'31" EAST 83.04 FEET, NORTH 53°25'24" EAST 244.92 FEET, NORTH 40°32'34" EAST 102.15 FEET AND NORTH 49°25'21" WEST 120.00 FEET TO THE POINT OF BEGINNING.

AS SHOWN ON EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.


ROBERT L. WHEELER IV, LS 8639

09/27/13
DATE



EXHIBIT "A"

CITY OF NEWPORT BEACH

LOT LINE ADJUSTMENT No. LLA _____

(LEGAL DESCRIPTION)

OWNER	EXISTING PARCEL AP NUMBER	PROPOSED PARCELS REFERENCE NUMBERS
ADVANCED GROUP 99-D	PARCEL 1 - 052-013-13	PARCEL 1
MARGARET L. SPRAGUE LIVING TRUST	052-013-21	PARCEL 2

SHEET 2 OF 2

PARCEL 2:

THAT PORTION OF THE LAND DESCRIBED IN A DEED RECORDED DECEMBER 9, 2009 AS INSTRUMENT NO. 2009000661003, OF OFFICIAL RECORDS OF ORANGE COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST WESTERLY CORNER OF THE LAND DESCRIBED IN A DEED RECORDED OCTOBER 06, 1941 IN BOOK 1109, PAGE 552 OF SAID OFFICIAL RECORDS; THENCE SOUTH 40°32'34" WEST 38.90 FEET ALONG A LINE PARALLEL WITH AND 120.00 FEET NORTHWESTERLY, MEASURED AT RIGHT ANGLES, FROM THE NORTHWESTERLY LINE OF CARNATION AVENUE (FORMERLY 30TH AVENUE) AS SHOWN ON A MAP RECORDED IN BOOK 3, PAGES 41 AND 42 OF MISCELLANEOUS MAPS, IN OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, TO THE SOUTHERLY LINE OF SAID LAND DESCRIBED IN SAID INSTRUMENT NO. 83-472687; THENCE ALONG THE BOUNDARY OF SAID LAND THE FOLLOWING FOUR COURSES: SOUTH 78°11'52" WEST 214.39 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 170.00 FEET, A RADIAL LINE TO SAID POINT BEARS NORTH 67°49'15" WEST, THENCE NORTHERLY 64.53 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 21°44'51" TO A REVERSE CURVE CONCAVE WESTERLY HAVING A RADIUS OF 350.00 FEET, NORTHERLY 82.78 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°33'03", NON-TANGENT FROM SAID CURVE SOUTH 79°17'08" EAST 125.90 FEET AND SOUTH 49°25'51" EAST 35.00 FEET TO THE POINT OF BEGINNING.

AS SHOWN ON EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.




 ROBERT L. WHEELER IV, LS 8639

09/27/13
 DATE

EXHIBIT "B"

CITY OF NEWPORT BEACH

LOT LINE ADJUSTMENT No. LLA _____

(SITE MAP)

OWNER	EXISTING PARCEL AP NUMBER	PROPOSED PARCELS REFERENCE NUMBERS
ADVANCED GROUP 99-D	PARCEL 1 - 052-013-13	PARCEL 1
MARGARET L. SPRAGUE LIVING TRUST	052-013-21	PARCEL 2

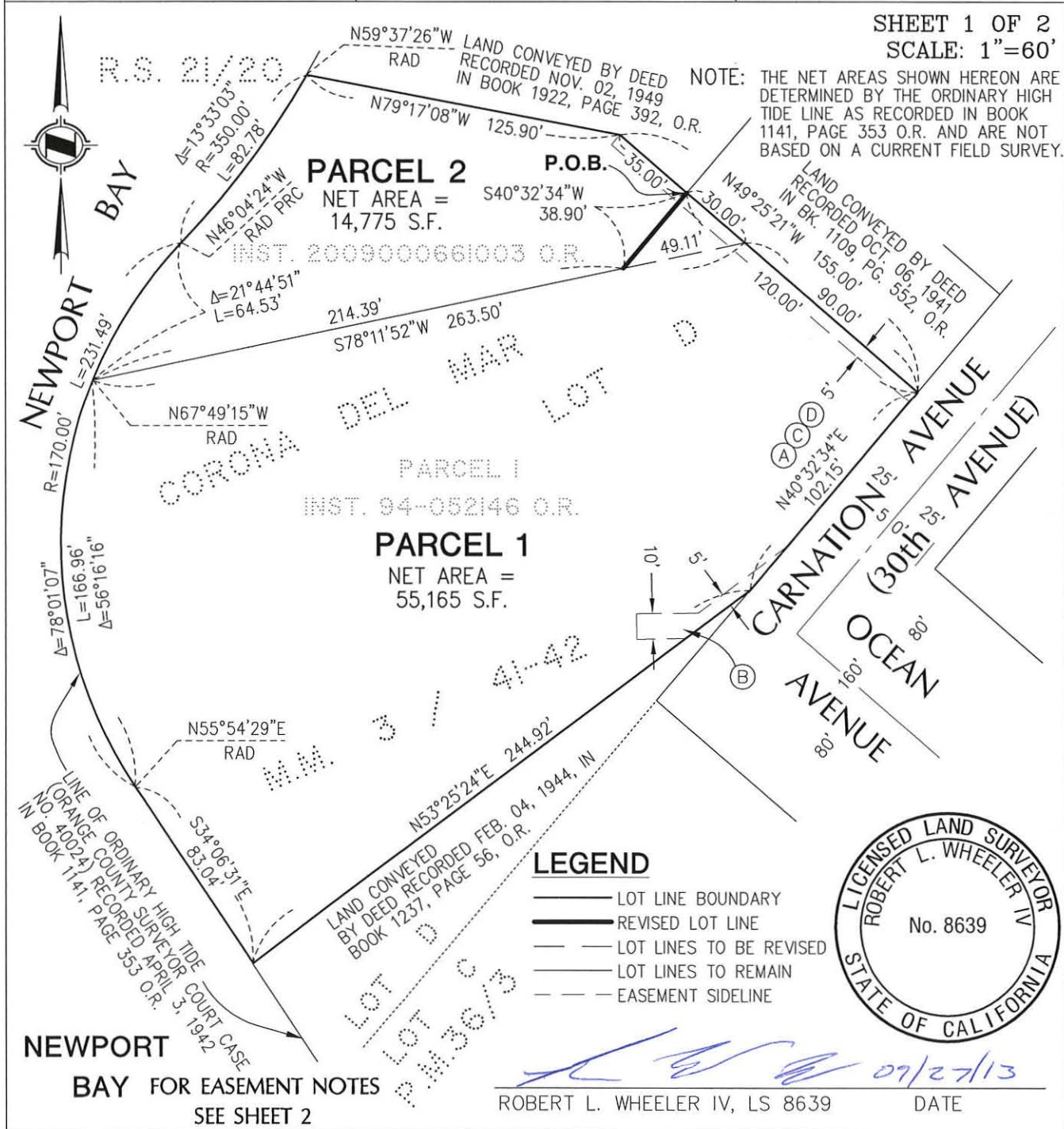


EXHIBIT "B"

CITY OF NEWPORT BEACH

LOT LINE ADJUSTMENT No. LLA _____

(SITE MAP)

OWNER	EXISTING PARCEL AP NUMBER	PROPOSED PARCELS REFERENCE NUMBERS
ADVANCED GROUP 99-D	PARCEL 1 - 052-013-13	PARCEL 1
MARGARET L. SPRAGUE LIVING TRUST	052-013-21	PARCEL 2

SHEET 2 OF 2

EASEMENT NOTES:

- Ⓐ INDICATES A EASEMENT IN FAVOR OF THE CITY OF NEWPORT BEACH FOR ROADWAY AND PUBLIC UTILITY PURPOSES, RECORDED OCTOBER 26, 1983, AS INSTRUMENT NO. 83-472687 O.R.
- Ⓑ INDICATES A EASEMENT FOR STORM DRAIN PURPOSES, RECORDED APRIL 9, 1971, IN BOOK 9601, PAGE 321 O.R.
- Ⓒ INDICATES A EASEMENT IN FAVOR OF THE CITY OF NEWPORT BEACH FOR SANITARY SEWER AND PUBLIC UTILITY PURPOSES, RECORDED MAY 18, 1949, IN BOOK 1846, PAGE 16 O.R.
- Ⓓ VARIOUS OWNERS EASEMENT FOR ROADS AND PUBLIC UTILITIES PURPOSES DESCRIBED IN DEED RECORDED DECEMBER 9, 2009 AS INSTRUMENT NO. 2009000661003, JUNE 8, 2004 AS INSTRUMENT NO. 2004000516081, MARCH 5, 2009 AS INSTRUMENT NO. 2009000102248, DECEMBER 21, 2012 AS INSTRUMENT NO. 2012000794278, DECEMBER 21, 2012 AS INSTRUMENT NO. 2012000794279, NOVEMBER 4, 2008 AS INSTRUMENT NO. 2008000505356, JUNE 14, 2012 AS INSTRUMENT NO. 2012000337161, SEPTEMBER 13, 1991 AS INSTRUMENT NO. 91-497823, JULY 7, 2012 AS INSTRUMENT NO. 2012000428372, MAY 20, 1949 IN BOOK 1846, PAGE 16, JUNE 5, 1972 IN BOOK 10156, PAGE 344, ALL OF OFFICIAL RECORDS IN THE OFFICE OF THE COUNTY RECORDER OF ORANGE COUNTY

EXHIBIT "C"

CITY OF NEWPORT BEACH

LOT LINE ADJUSTMENT No. LLA _____

(SITE PLAN)

OWNER	EXISTING PARCEL AP NUMBER	PROPOSED PARCELS REFERENCE NUMBERS
ADVANCED GROUP 99-D	PARCEL 1 - 052-013-13	PARCEL 1
MARGARET L. SPRAGUE LIVING TRUST	052-013-21	PARCEL 2

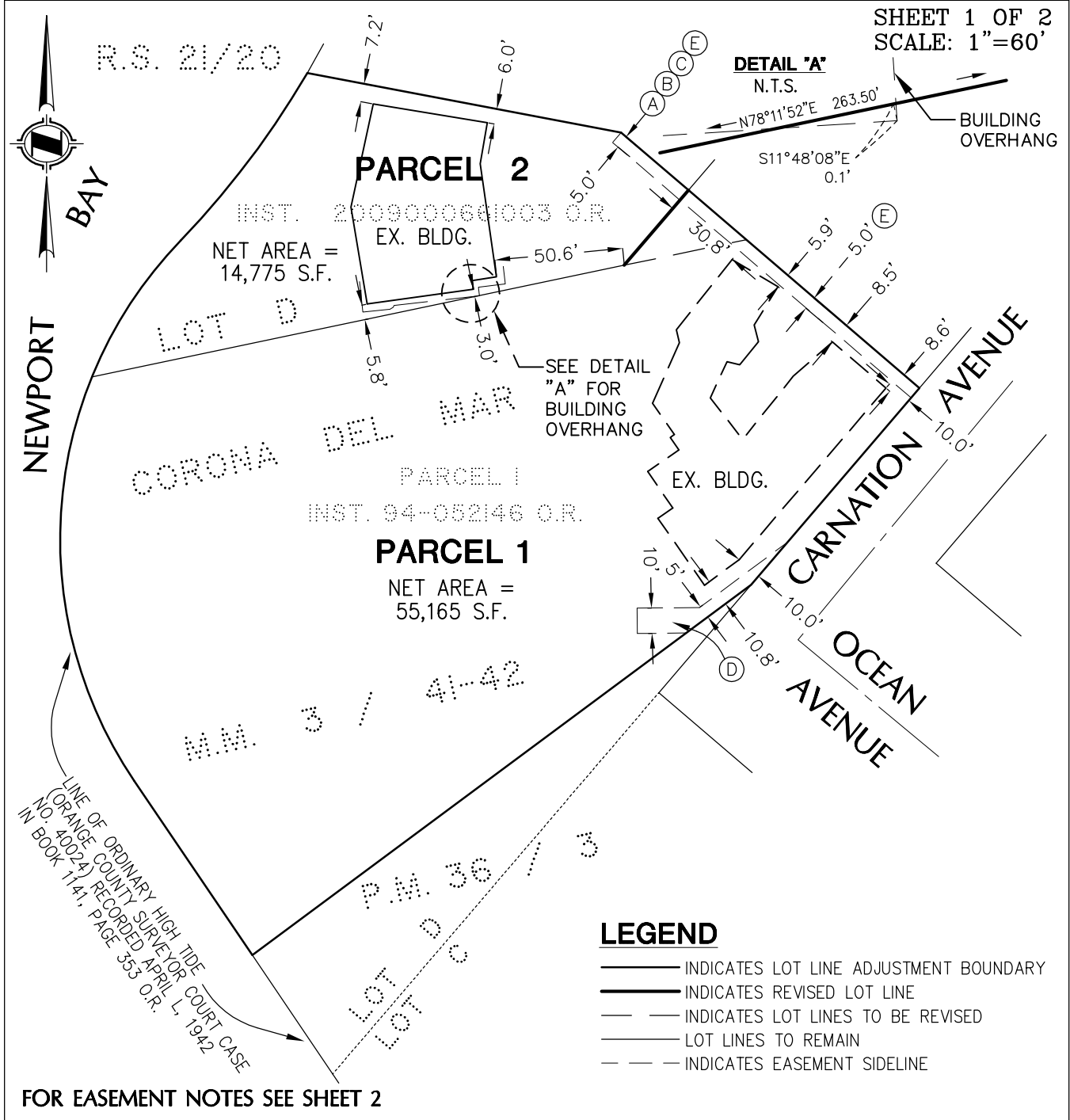


EXHIBIT "C"

CITY OF NEWPORT BEACH

LOT LINE ADJUSTMENT No. LLA _____

(SITE PLAN)

OWNER	EXISTING PARCEL AP NUMBER	PROPOSED PARCELS REFERENCE NUMBERS
ADVANCED GROUP 99-D	PARCEL 1 - 052-013-13	PARCEL 1
MARGARET L. SPRAGUE LIVING TRUST	052-013-21	PARCEL 2

SHEET 2 OF 2
SCALE: 1"=60'

EASEMENT NOTES:

- Ⓐ AN EASEMENT FOR PUBLIC UTILITY PURPOSES IN FAVOR OF SOUTHERN CALIFORNIA EDISON COMPANY, RECORDED JUNE 18, 1949 IN BOOK 1845, PAGE 160 O.R. A PARTIAL QUITCLAIM WAS RECORDED SEPTEMBER 18, 2012 AS INSTRUMENT NO. 2012000543821 O.R.
- Ⓑ INDICATES A EASEMENT IN FAVOR OF THE CITY OF NEWPORT BEACH FOR SANITARY SEWER AND PUBLIC UTILITY PURPOSES, RECORDED MAY 18, 1949, IN BOOK 1846, PAGE 16 O.R. A PARTIAL QUITCLAIM WAS RECORDED NOVEMBER 1, 2012 AS INSTRUMENT NO. 2012000670267 O.R.
- Ⓒ AN EASEMENT FOR PUBLIC UTILITY PURPOSES IN FAVOR OF THE SOUTHERN CALIFORNIA GAS COMPANY, RECORDED JUNE 2, 1949 IN BOOK 1852, PAGE 200 O.R. A PARTIAL QUITCLAIM WAS RECORDED DECEMBER 7, 2012 AS INSTRUMENT NO. 2012000757998 O.R.
- Ⓓ INDICATES A EASEMENT FOR STORM DRAIN PURPOSES, RECORDED APRIL 9, 1971, IN BOOK 9601, PAGE 321 O.R.
- Ⓔ VARIOUS OWNERS EASEMENT FOR ROADS AND PUBLIC UTILITIES PURPOSES DESCRIBED IN DEED RECORDED DECEMBER 9, 2009 AS INSTRUMENT NO. 2009000661003, JUNE 8, 2004 AS INSTRUMENT NO. 2004000516081, MARCH 5, 2009 AS INSTRUMENT NO. 2009000102248, DECEMBER 21, 2012 AS INSTRUMENT NO. 2012000794278, DECEMBER 21, 2012 AS INSTRUMENT NO. 2012000794279, NOVEMBER 4, 2008 AS INSTRUMENT NO. 2008000505356, JUNE 14, 2012 AS INSTRUMENT NO. 2012000337161, SEPTEMBER 13, 1991 AS INSTRUMENT NO. 91-497823, JULY 7, 2012 AS INSTRUMENT NO. 2012000428372, MAY 20, 1949 IN BOOK 1846, PAGE 16, JUNE 5, 1972 IN BOOK 10156, PAGE 344, ALL OF OFFICIAL RECORDS IN THE OFFICE OF THE COUNTY RECORDER OF ORANGE COUNTY

Allen Matkins

Allen Matkins Leck Gamble Mallory & Natsis LLP
Attorneys at Law
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Telephone: 949.553.1313 | Facsimile: 949.553.8354
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Gary S. McKitterick
E-mail: gmckitterick@allenmatkins.com
Direct Dial: 949.851.5432 File Number: 371534-00006/OC1000413.01

Via Electronic Mail

October 22, 2013

Community Development Department
Planning Division
City of Newport Beach
100 Civic Center Drive
Newport Beach, CA 92658-8915
Attn.: James Campbell, Principal Planner

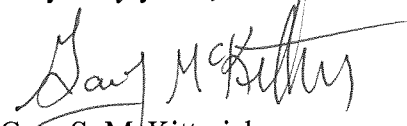
Re: AERIE Lot Line Adjustment - (PA2013-199)
201-205 Carnation Avenue and 101 Bayside Place
▪ Lot Line Adjustment No. LA2013-011

Dear Jim:

I represent the owners of 103 and 105 Bayside Place, Corona del Mar, California. On Thursday, October 24, 2013, the Zoning Administrator of the City of Newport Beach will consider Application PA2013-199, the AERIE Lot Line Adjustment for the property located at 201-205 Carnation Avenue and 101 Bayside Place, Corona del Mar. As you are probably aware, my clients have easement rights which benefit 103 and 105 Bayside Place over and across the property which is the subject of the Lot Line Adjustment under consideration by the City of Newport Beach pursuant to the above-referenced Application. On behalf of my clients, we object to processing the Lot Line Adjustment Application PA2013-199 unless we are assured in writing by the City of Newport Beach that there will be no adverse impact to our easement rights over the AERIE property.

Please have the City confirm in writing that the processing of this Lot Line Application will not alter, change, modify or diminish, in any way, my clients' easement rights which benefit 103 and 105 Bayside Place. We reserve all rights for further review and appeal pursuant to the Codes and Regulations of the City of Newport Beach.

Very truly yours,


Gary S. McKitterick

GSM:mms

cc: Mark P. Robinson, Jr., Esq.



CITY OF NEWPORT BEACH

COMMUNITY DEVELOPMENT

Via Electronic Mail

October 23, 2013

Gary S. McKitterick
Allen Matkins Leck Gamble & Natsis LLP
1900 Main Street, 5th Floor
Irvine, CA 92614-7321

Re: AERIE Lot Line Adjustment (PA2013-199)
201-205 Carnation Avenue and 101 Bayside Place
Lot Line Adjustment No. LA2013-011

Dear Gary:

I am in receipt of your letter dated October 22, 2013, regarding the referenced application. I am aware of the existence of a private access easement across a portion of both lots and I must assume this is the easement to which you refer. The proposed Lot Line Adjustment (LLA) application simply adjusts the boundary and transfers title between 101 Bayside Place and 201-205 Carnation Avenue by adjusting about 584 square feet of land area from 101 Bayside Place to 201-205 Carnation Avenue. The resulting lot boundary is consistent with the AERIE project boundary. The LLA instrument includes graphic and text references to existing easements of record and it in no way changes existing easements. The draft LLA instrument is available at the City's website for your review. <http://newportbeachca.gov/index.aspx?page=1690>

If you need further information, please let me know.

Sincerely,


James Campbell, Principal Planner



HUNSAKER & ASSOCIATES

I R V I N E, I N C.

PLANNING
ENGINEERING
SURVEYING
GOVERNMENT RELATIONS

IRVINE
LOS ANGELES
PALM DESERT
RIVERSIDE
SAN DIEGO

October 23, 2013

VIA ELECTRONIC MAIL

Mr. James Campbell
CITY OF NEWPORT BEACH
3300 Newport Boulevard
Newport Beach, CA 92663

Subject: **Lot Line Adjustment LA2013-011 between 201-205 Carnation Avenue and 101 Bayside Place**

Mr. Campbell:

I received a copy of the letter from Mr. Gary S. McKitterick regarding his concerns that the lot line adjustment referenced above, may negatively impact the easement his clients (owners of 103 and 105 Bayside Place) have over portions of the property being adjusted.

I wanted to assure you, the board and Mr. McKitterick that this, or any , lot line adjustment in no way alters, changes, modifies or diminishes the easement rights of the owners of said easements. The lot line adjustment is merely a legal means for the adjustment of the fee title lines between adjacent parcels, outside the jurisdiction of the subdivision map act. It gives no entitlements or rights to construct or any other rights to the owners other than to change the property boundaries that they already own in fee (similar to a sale).

Holders of existing easements over the subject property will have the same easement, in its same location, with all the same rights over said easement as before the lot line adjustment records, and will maintain those rights until such time said easement owners see fit to quitclaim those easement rights.

I hope this answers any questions or concerns anyone may have. Thank you for the opportunity to clarify.

Sincerely,

Robert L Wheeler IV, PLS 8639
Assistant Manager Mapping Department
HUNSAKER & ASSOCIATES IRVINE, INC.
(949)768-2518



PRINCIPALS:

DAVID FRATTONE
FRED GRAYLEE
BRADLEY HAY
PAUL HUDDLESTON
KAMAL KARAM
DOUGLAS STALEY
KRIS WEBER
JOSEPH E. WIGHTMAN

FOUNDING PARTNERS:

RICHARD HUNSAKER
TOM R. McGANNON
JOHN A. MICHLER
DOUGLAS G. SNYDER

Three Hughes
Irvine, California
92618-2021
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EXHIBIT "A"
CITY OF NEWPORT BEACH
LOT LINE ADJUSTMENT No. LA2013-011
(LEGAL DESCRIPTION)

OWNER	EXISTING PARCEL AP NUMBER	PROPOSED PARCELS REFERENCE NUMBERS
ADVANCED GROUP 99-D	PARCEL 1 - 052-013-13	PARCEL 1
MARGARET L. SPRAGUE LIVING TRUST	052-013-21	PARCEL 2

SHEET 1 OF 2

PARCEL 1

THAT PORTION OF LAND DESCRIBED IN A DEED RECORDED AUGUST 15, 1994 AS INSTRUMENT NO. 94-0502146, TOGETHER WITH THAT PORTION OF THE LAND DESCRIBED IN A DEED RECORDED DECEMBER 9, 2009 AS INSTRUMENT NO. 2009000661003, BOTH OF OFFICIAL RECORDS OF ORANGE COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST WESTERLY CORNER OF THE LAND DESCRIBED IN A DEED RECORDED OCTOBER 06, 1941 IN BOOK 1109, PAGE 552 OF SAID OFFICIAL RECORDS; THENCE SOUTH 40°32'34" WEST 38.90 FEET ALONG A LINE PARALLEL WITH AND 120.00 FEET NORTHWESTERLY, MEASURED AT RIGHT ANGLES, FROM THE NORTHWESTERLY LINE OF CARNATION AVENUE (FORMERLY 30TH AVENUE) AS SHOWN ON A MAP RECORDED IN BOOK 3, PAGES 41 AND 42 OF MISCELLANEOUS MAPS, IN OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, TO THE NORTHERLY LINE OF THE LAND DESCRIBED IN SAID INSTRUMENT NO. 94-0502146; THENCE ALONG THE BOUNDARY OF SAID LAND THE FOLLOWING SIX COURSES: SOUTH 78°11'52" WEST 214.39 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 170.00 FEET, A RADIAL LINE TO SAID POINT BEARS NORTH 67°49'15" WEST, SOUTHERLY 166.96 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 56°16'16", NON-TANGENT FROM SAID CURVE SOUTH 34°06'31" EAST 83.04 FEET, NORTH 53°25'24" EAST 244.92 FEET, NORTH 40°32'34" EAST 102.15 FEET AND NORTH 49°25'21" WEST 120.00 FEET TO THE POINT OF BEGINNING.

AS SHOWN ON EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.



ROBERT L. WHEELER IV, LS 8639

10/23/13

DATE



EXHIBIT "A"
CITY OF NEWPORT BEACH
LOT LINE ADJUSTMENT No. LA2013-011
(LEGAL DESCRIPTION)

OWNER	EXISTING PARCEL AP NUMBER	PROPOSED PARCELS REFERENCE NUMBERS
ADVANCED GROUP 99-D	PARCEL 1 - 052-013-13	PARCEL 1
MARGARET L. SPRAGUE LIVING TRUST	052-013-21	PARCEL 2

SHEET 2 OF 2

PARCEL 2:

THAT PORTION OF THE LAND DESCRIBED IN A DEED RECORDED DECEMBER 9, 2009 AS INSTRUMENT NO. 2009000661003, OF OFFICIAL RECORDS OF ORANGE COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST WESTERLY CORNER OF THE LAND DESCRIBED IN A DEED RECORDED OCTOBER 06, 1941 IN BOOK 1109, PAGE 552 OF SAID OFFICIAL RECORDS; THENCE SOUTH 40°32'34" WEST 38.90 FEET ALONG A LINE PARALLEL WITH AND 120.00 FEET NORTHWESTERLY, MEASURED AT RIGHT ANGLES, FROM THE NORTHWESTERLY LINE OF CARNATION AVENUE (FORMERLY 30TH AVENUE) AS SHOWN ON A MAP RECORDED IN BOOK 3, PAGES 41 AND 42 OF MISCELLANEOUS MAPS, IN OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, TO THE SOUTHERLY LINE OF SAID LAND DESCRIBED IN SAID INSTRUMENT NO. 83-472687; THENCE ALONG THE BOUNDARY OF SAID LAND THE FOLLOWING FOUR COURSES: SOUTH 78°11'52" WEST 214.39 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 170.00 FEET, A RADIAL LINE TO SAID POINT BEARS NORTH 67°49'15" WEST, THENCE NORTHERLY 64.53 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 21°44'51" TO A REVERSE CURVE CONCAVE WESTERLY HAVING A RADIUS OF 350.00 FEET, NORTHERLY 82.78 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°33'03", NON-TANGENT FROM SAID CURVE SOUTH 79°17'08" EAST 125.90 FEET AND SOUTH 49°25'51" EAST 35.00 FEET TO THE POINT OF BEGINNING.

AS SHOWN ON EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.



A handwritten signature in black ink, appearing to read "R. Wheeler", written over a horizontal line.

ROBERT L. WHEELER IV, LS 8639

10/23/13

DATE

EXHIBIT "B"

CITY OF NEWPORT BEACH

LOT LINE ADJUSTMENT No. LA2013-011

(SITE MAP)

OWNER	EXISTING PARCEL AP NUMBER	PROPOSED PARCELS REFERENCE NUMBERS
ADVANCED GROUP 99-D	PARCEL 1 - 052-013-13	PARCEL 1
MARGARET L. SPRAGUE LIVING TRUST	052-013-21	PARCEL 2

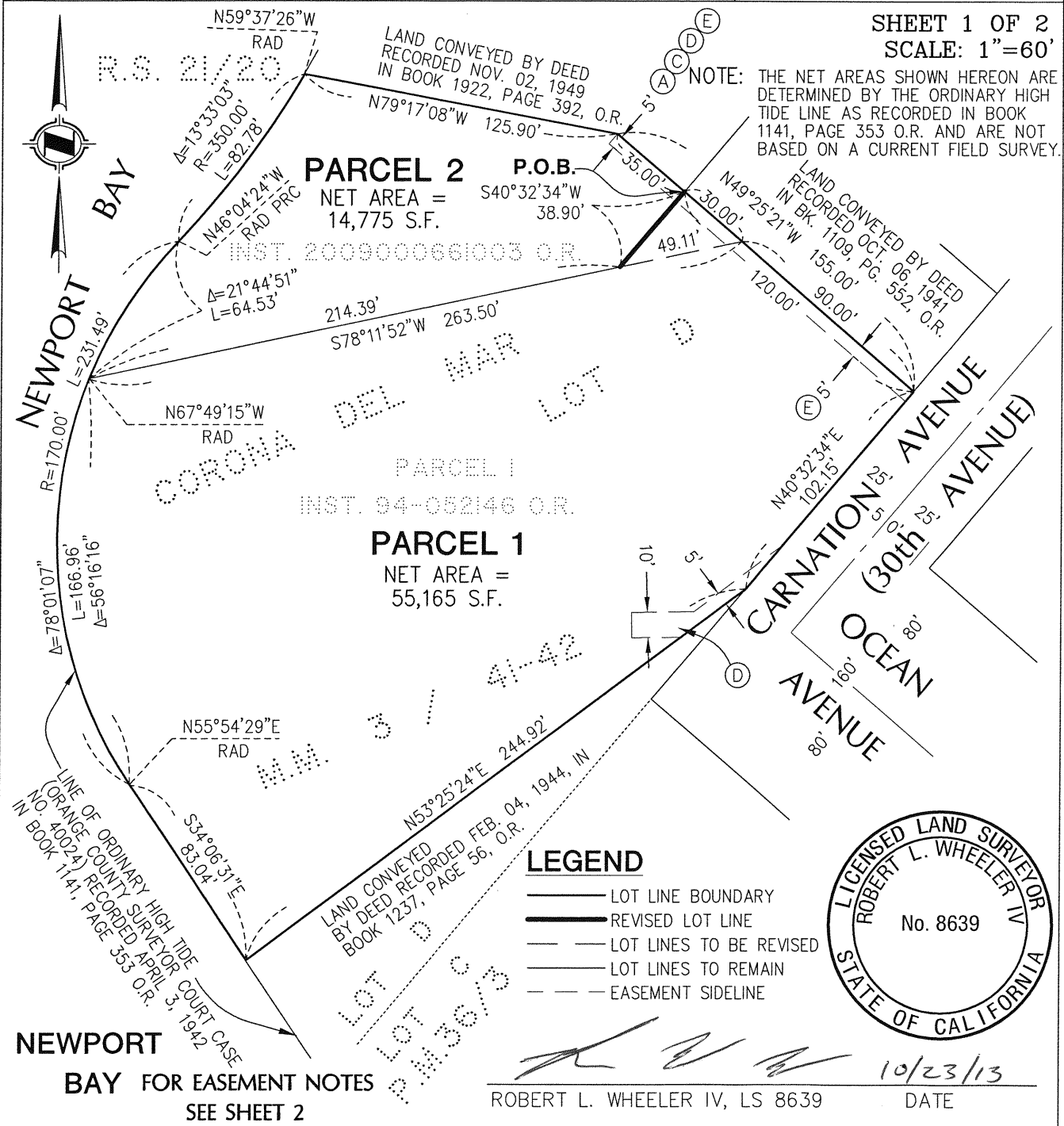


EXHIBIT "B"
CITY OF NEWPORT BEACH
LOT LINE ADJUSTMENT No. LA2013-011
(SITE MAP)

OWNER	EXISTING PARCEL AP NUMBER	PROPOSED PARCELS REFERENCE NUMBERS
ADVANCED GROUP 99-D	PARCEL 1 - 052-013-13	PARCEL 1
MARGARET L. SPRAGUE LIVING TRUST	052-013-21	PARCEL 2

SHEET 2 OF 2

EASEMENT NOTES:

- (A) AN EASEMENT FOR PUBLIC UTILITY PURPOSES IN FAVOR OF SOUTHERN CALIFORNIA EDISON COMPANY, RECORDED JUNE 18, 1949 IN BOOK 1845, PAGE 160 O.R. A PARTIAL QUITCLAIM WAS RECORDED SEPTEMBER 18, 2012 AS INSTRUMENT NO. 2012000543821 O.R.
- (B) INDICATES A EASEMENT IN FAVOR OF THE CITY OF NEWPORT BEACH FOR SANITARY SEWER AND PUBLIC UTILITY PURPOSES, RECORDED MAY 18, 1949, IN BOOK 1846, PAGE 16 O.R. A PARTIAL QUITCLAIM WAS RECORDED NOVEMBER 1, 2012 AS INSTRUMENT NO. 2012000670267 O.R.
- (C) AN EASEMENT FOR PUBLIC UTILITY PURPOSES IN FAVOR OF THE SOUTHERN CALIFORNIA GAS COMPANY, RECORDED JUNE 2, 1949 IN BOOK 1852, PAGE 200 O.R. A PARTIAL QUITCLAIM WAS RECORDED DECEMBER 7, 2012 AS INSTRUMENT NO. 2012000757998 O.R.
- (D) INDICATES A EASEMENT FOR STORM DRAIN PURPOSES, RECORDED APRIL 9, 1971, IN BOOK 9601, PAGE 321 O.R.
- (E) VARIOUS OWNERS EASEMENT FOR ROADS AND PUBLIC UTILITIES PURPOSES DESCRIBED IN DEED RECORDED DECEMBER 9, 2009 AS INSTRUMENT NO. 2009000661003, JUNE 8, 2004 AS INSTRUMENT NO. 2004000516081, MARCH 5, 2009 AS INSTRUMENT NO. 2009000102248, DECEMBER 21, 2012 AS INSTRUMENT NO. 2012000794278, DECEMBER 21, 2012 AS INSTRUMENT NO. 2012000794279, NOVEMBER 4, 2008 AS INSTRUMENT NO. 2008000505356, JUNE 14, 2012 AS INSTRUMENT NO. 2012000337161, SEPTEMBER 13, 1991 AS INSTRUMENT NO. 91-497823, JULY 7, 2012 AS INSTRUMENT NO. 2012000428372, MAY 20, 1949 IN BOOK 1846, PAGE 16, JUNE 5, 1972 IN BOOK 10156, PAGE 344, ALL OF OFFICIAL RECORDS IN THE OFFICE OF THE COUNTY RECORDER OF ORANGE COUNTY

EXHIBIT "C"

CITY OF NEWPORT BEACH

LOT LINE ADJUSTMENT No. LA2013-011

(SITE PLAN)

OWNER	EXISTING PARCEL AP NUMBER	PROPOSED PARCELS REFERENCE NUMBERS
ADVANCED GROUP 99-D	PARCEL 1 - 052-013-13	PARCEL 1
MARGARET L. SPRAGUE LIVING TRUST	052-013-21	PARCEL 2

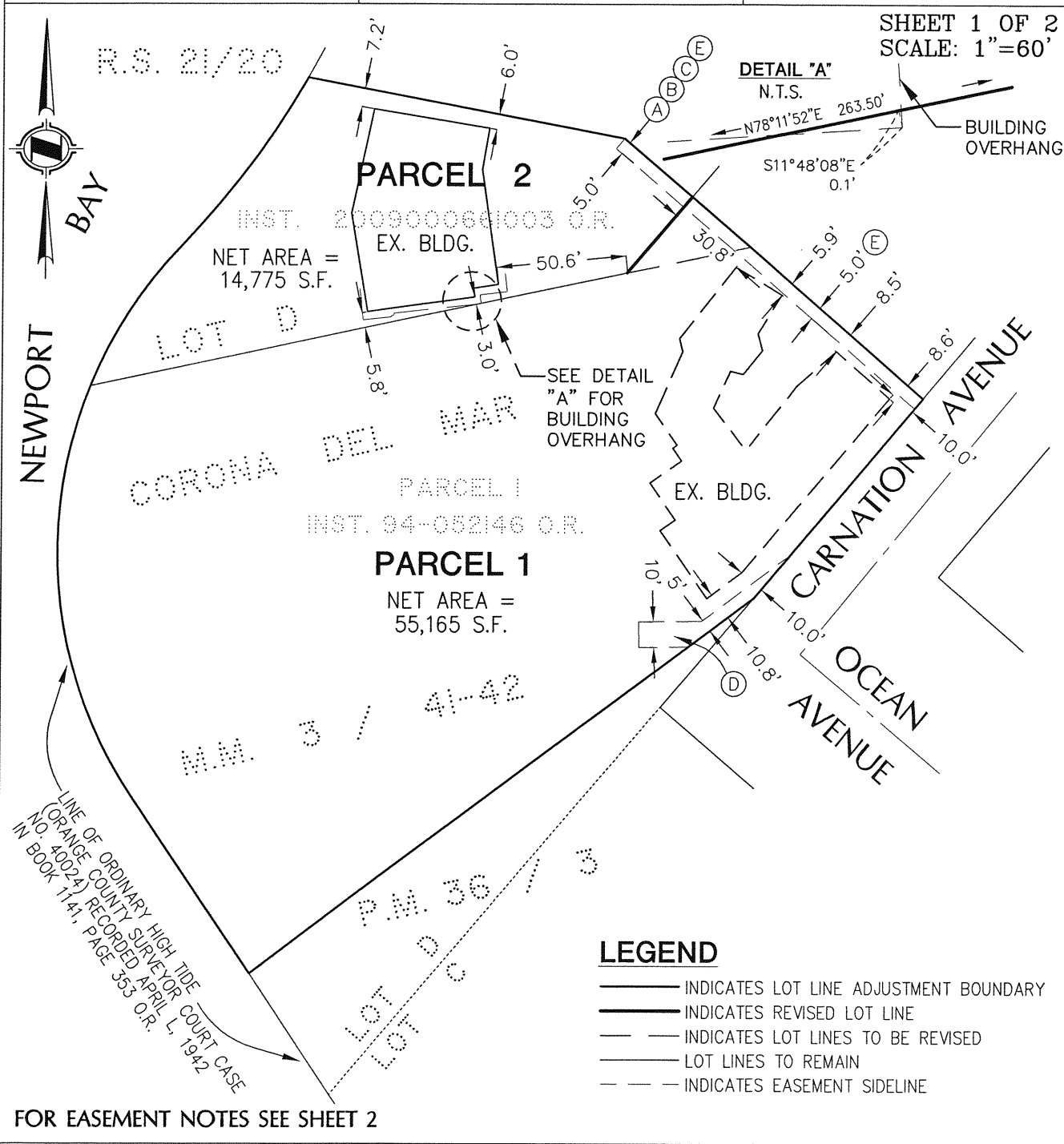


EXHIBIT "C"

CITY OF NEWPORT BEACH

LOT LINE ADJUSTMENT No. LA2013-011

(SITE PLAN)

OWNER	EXISTING PARCEL AP NUMBER	PROPOSED PARCELS REFERENCE NUMBERS
ADVANCED GROUP 99-D	PARCEL 1 - 052-013-13	PARCEL 1
MARGARET L. SPRAGUE LIVING TRUST	052-013-21	PARCEL 2

SHEET 2 OF 2
SCALE: 1"=60'

EASEMENT NOTES:

- Ⓐ AN EASEMENT FOR PUBLIC UTILITY PURPOSES IN FAVOR OF SOUTHERN CALIFORNIA EDISON COMPANY, RECORDED JUNE 18, 1949 IN BOOK 1845, PAGE 160 O.R. A PARTIAL QUITCLAIM WAS RECORDED SEPTEMBER 18, 2012 AS INSTRUMENT NO. 2012000543821 O.R.
- Ⓑ INDICATES A EASEMENT IN FAVOR OF THE CITY OF NEWPORT BEACH FOR SANITARY SEWER AND PUBLIC UTILITY PURPOSES, RECORDED MAY 18, 1949, IN BOOK 1846, PAGE 16 O.R. A PARTIAL QUITCLAIM WAS RECORDED NOVEMBER 1, 2012 AS INSTRUMENT NO. 2012000670267 O.R.
- Ⓒ AN EASEMENT FOR PUBLIC UTILITY PURPOSES IN FAVOR OF THE SOUTHERN CALIFORNIA GAS COMPANY, RECORDED JUNE 2, 1949 IN BOOK 1852, PAGE 200 O.R. A PARTIAL QUITCLAIM WAS RECORDED DECEMBER 7, 2012 AS INSTRUMENT NO. 2012000757998 O.R.
- Ⓓ INDICATES A EASEMENT FOR STORM DRAIN PURPOSES, RECORDED APRIL 9, 1971, IN BOOK 9601, PAGE 321 O.R.
- Ⓔ VARIOUS OWNERS EASEMENT FOR ROADS AND PUBLIC UTILITIES PURPOSES DESCRIBED IN DEED RECORDED DECEMBER 9, 2009 AS INSTRUMENT NO. 2009000661003, JUNE 8, 2004 AS INSTRUMENT NO. 2004000516081, MARCH 5, 2009 AS INSTRUMENT NO. 2009000102248, DECEMBER 21, 2012 AS INSTRUMENT NO. 2012000794278, DECEMBER 21, 2012 AS INSTRUMENT NO. 2012000794279, NOVEMBER 4, 2008 AS INSTRUMENT NO. 2008000505356, JUNE 14, 2012 AS INSTRUMENT NO. 2012000337161, SEPTEMBER 13, 1991 AS INSTRUMENT NO. 91-497823, JULY 7, 2012 AS INSTRUMENT NO. 2012000428372, MAY 20, 1949 IN BOOK 1846, PAGE 16, JUNE 5, 1972 IN BOOK 10156, PAGE 344, ALL OF OFFICIAL RECORDS IN THE OFFICE OF THE COUNTY RECORDER OF ORANGE COUNTY

To: Item 5c: Additional Materials Received
Subject: AERIE LLA 2013-011 (PA2013-199), Zoning Administrator - October 24, 2013
Attachments: updated LLA exhibits_all.pdf

-----Original Message-----

From: Campbell, James
Sent: Wednesday, October 23, 2013 5:13 PM
To: Alford, Patrick
Cc: Garciamay, Ruby; 'Robert Wheeler'; 'Richard Julian'; Paul Julian; 'Jeff Benson';
gmckitterick@allenmatkins.com
Subject: AERIE LLA 2013-011 (PA2013-199), October 24, 2013

Mr. Patrick Alford, Zoning Administrator.

Attached is an updated copy of the exhibits to the Lot Line Adjustment instrument. The update consists of inserting the case number where appropriate and modifying Exhibit B as it relates to the easement notes to match Exhibit C. I apologize for the lateness of this necessary correction to the application. Let me know if you have any questions.

Jim Campbell
Principal Planner
949-644-3210